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10/784,781	02/24/2004	Gerhard D. Klassen	16813-IUS	2200
20/988 7590 03/31/2010 OGILVY RENAULT LLP 1, Place Ville Marie SUITE 2500 MONTREAL, QC H3B 1R1 CANADA				
EXAMINER				
HEFFINGTON, JOHN M				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/784,781

**Applicant(s)**

KLASSEN ET AL.

**Examiner**

JOHN HEFFINGTON

**Art Unit**

2179

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 December 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-25, 28-34 and 37-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-25, 28-34 and 37-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This action is in response to the request for continued examination filed 21 December 2009. Claims 1-20 have been previously canceled. Claim 26, 27 and 35, 37 have been canceled. Claims 21, 28, 31, 32, 33, 37, 41, 46 and 51 have been amended. Claims 21-25, 28-34 and 37-51 are pending and have been considered below.

### ***Response to Arguments***

Applicant's arguments with respect to claims 21-51 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 21 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The negative limitation, "the first preview not being displayed prior to the user selection," does not have a basis in the original disclosure. Paragraph 2173.05(i) Negative Limitations of the MPEP states:

**"Any negative limitation or exclusionary proviso must have basis in the original disclosure."**

Furthermore:

**"Any claim containing a negative limitation which does not have basis in the original disclosure should be rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement."**

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 21-25, 28-34 and 37-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner (US 2004/0155908 A1) in view of Hirayama (US 2002/0035613 A1).

1-20. (Previously cancelled)

Claim 21: Wagner discloses a method for providing notifications of new events:

- a. on a wireless communication device having a small display (paragraph 0003),
- b. the wireless communication device having a graphical user interface 'GUI' displayed on the display (paragraph 0003),
- c. the GUI having a main screen comprising an application portion for displaying icons for respective applications (paragraph 0050, [The screen is divided into a main portion and secondary portion.]),
- d. for execution on the wireless communication device (paragraphs 0050, [services and applications], 0101, [initiating a service or application]), the method comprising:
- e. providing on the main screen and in the application portion a plurality of application icons each representing an application on at the wireless device and each being invokable to launch its respective application (paragraphs 0050, [user selectable icons for services and application, 0101, [initiating a service or application]], and
- f. in response to a new event in respect of one of the applications, visually modifying the respective application icon in the application portion of the main screen to notify of the new event (paragraph 0060, [when new news has arrived, the news paper rolls down, a mail icon displays a counter to indicate the number of unread messages]), and,
- g. displaying a first preview of a content of the new event (paragraph 0059, figure 8A, [a news icon may display a current headline, for example "Tech Markets Boom"]); wherein

- h. the application icons are maintained on the main screen continuously (paragraph 0056, [while the positions of the application icons may change based on context, the icons remain continuously]) ; and wherein,
- i. the first preview persists on the main screen when a subsequent second preview is displayed, in response to a subsequent user selection, for a subsequent event (figure 8A, [as can be seen, the current headline persists while other events have been indicated in association with other service or application icons]).

Wagoner does not disclose in response to a user selection of the respective application, displaying a first preview of a content of the new event, the first preview not being displayed prior to the user selection, as disclosed in the claims. However, in the same field of invention, Hirayama discloses in response to a user selection of the respective application, displaying a first preview of a content of the new event, the first preview not being displayed prior to the user selection (paragraph 0114). Therefore, considering the teachings of Wagoner and Hirayama, it would have been obvious to one having ordinary skill in the art at the time of the invention to add in response to a user selection of the respective application, displaying a first preview of a content of the new event, the first preview not being displayed prior to the user selection, as disclosed in Hirayama, to the teachings of Wagoner. One would have been motivated to add in response to a user selection of the respective application, displaying a first preview of a content of the new event, the first preview not being displayed prior to the user selection, as disclosed

in Hirayama, to the teachings of Wagoner in order to provide quick access to desired information (Hirayama: paragraph 0009).

Claim 22: Wagner and Hirayama disclose the method of claim 21 and Wagner further discloses invoking the one application in the application portion in response to the visually modified icon (paragraphs 0060, [the news paper unrolls to indicate new news], 0065, [the user decides to read the news by selecting the news data service]).

Claim 23: Wagner and Hirayama disclose the method of claim 21 and Wagner further discloses monitoring the one application in the application portion to determine an occurrence of the new event (paragraph 0059, [the service management system presents specific information regarding the state of that particular service or application]).

Claim 24: Wagner and Hirayama disclose the method of claim 21 and Wagner further discloses:  
determining a visual modification for the icon of the one application icon in the application portion in response to the new event; and using said visual modification when visually modifying (paragraph 0059, 0060, [information labels, animated icons and counters]).

Claim 25: Wagner and Hirayama disclose the method of claim 24 and Wagner further discloses said step of determining a visual modification comprises maintaining a count of new events for the one application in the application portion (paragraph 0060, [a count of unread email messages]).

Claim 26: (Cancelled)

Claim 27: (Canceled)

Claim 28: Wagner and Hirayama disclose the method of claim 21 and Wagner further discloses said displaying the first preview comprises visually modifying the icon to include a dialog box over a portion of the main screen (figure 8A, [As can be seen in the figure, the previews, for example, the news preview is displayed in a box.]).

Claim 29: Wagner and Hirayama disclose the method of claim 21 and Wagner further discloses: in response to an activation of the one application in the application portion having its icon visually modified to notify of the new event, automatically navigating through the one application to the new event (paragraphs 0065-0067, figures 5B-5E, 8A, [the user navigates through the sports section to the desired information]).

Claim 30: Wagner and Hirayama disclose the method of claim 21 and Wagner further discloses said wireless device comprises at least one of a data communication device



and a voice communication device; wherein at least some of said plurality of applications manage communications capabilities associated with the wireless device and wherein said events of said at least some of said plurality of applications comprise communication events (paragraphs 0050, [cellular phones and PDAs], 0074, [telephone call, i.e. voice, calendaring, instant messaging, news, reports, movie services, mapping services]).

Claim 31: Wagner and Hirayama disclose the method of claim 21 but Wagner does not disclose, in response to a plurality of new events, visually modifying the respective application in the application portion to notify of the plurality of new events. However, Wagner discloses detecting a plurality of new events and visually modifying the respective application in the application portion to notify of a new event and indicating another event (figure 8A). That is, the movie icon shows an event, "Movie invite sent 7:46 am", and a field indicating "No response". It would have been obvious to display an indication that a response had been sent. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add in response to a plurality of new events, visually modifying the respective application in the application portion to notify of the plurality of new events to Wagner and Hirayama. One would have been motivated to add in response to a plurality of new events, visually modifying the respective application in the application portion to notify of the plurality of new events to Wagner and Hirayama in order to remind the user that 1) a movie invite has been sent and, 2) to indicate to the user that he should respond if he has not yet

responded and to remind the user that he has responded, thereby improving the operation and functionality of Wagner.

Claim 32: Wagner and Hirayama disclose the method of claim 31 but Wagner does not disclose said visually modifying the respective application in the application portion comprises displaying a preview of a content of each of the plurality of new events, in response to the user selection of the respective application icon, as disclosed in the claims. However, in the same field of invention, Hirayama discloses visually modifying the respective application in the application portion comprises displaying a preview of a content of each of the plurality of new events, in response to the user selection of the respective application icon (paragraph 0114). Therefore, considering the teachings of Wagoner and Hirayama, it would have been obvious to one having ordinary skill in the art at the time of the invention to add visually modifying the respective application in the application portion comprises displaying a preview of a content of each of the plurality of new events, in response to the user selection of the respective application icon, as disclosed in Hirayama, to the teachings of Wagoner and Hirayama. One would have been motivated to add visually modifying the respective application in the application portion comprises displaying a preview of a content of each of the plurality of new events, in response to the user selection of the respective application icon, as disclosed in Hirayama, to the teachings of Wagoner and Hirayama in order to provide quick access to desired information (Hirayama: paragraph 0009).

Claims 33, 34 and 37-39: Claims 33, 34 and 37-39 represent the graphical user interface for carrying out the steps of the method of claims 21, 25, 28, 22 and 30, respectively, and are rejected under that same rational.

Claims 40 and 41: Claims 40 and 41 discloses the graphical user interface for carrying out the steps of the method of claims 31 and 32, respectively, and are rejected under that same rational.

Claim 42: Wagner and Hirayama disclose the method of claim 21 but does not disclose the GUI further comprises a status portion for displaying wireless communication device status information. However, Hirayama discloses a wireless communication device that displays device status information on the device display at the upper part of the display, i.e. a status portion (figures 4A-4B, 5A-5D, 6A-6C). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, with the teaching of Wagner and Hirayama in front of him, to add the GUI further comprises a status portion for displaying wireless communication device status information to Wagner and Hirayama. One would have been motivated to add the GUI further comprises a status portion for displaying wireless communication device status information to Wagner and Hirayama because, as disclosed in Wagner, the context module keeps track of different aspects of the users current context, for example, one aspect is the user's network presence, such as whether the user has just lost a signal,

or has their phone ringer off, therefore, it would be useful in Wagner to show the status of the signal strength or the ringer status.

Claim 43: Wagner and Hirayama disclose the method of claim 21 and Wagner further discloses the application icons occupy a major portion of the main screen (paragraph 0050, [the icons are displayed in a main portion of the screen]).

Claim 44: Wagner discloses the method of claim 21 but Wagner does not disclose the first preview persists until the new event is opened. However, Wagner discloses receiving an event of "Movie invite sent 7:46 am" and also indicating that the user has not yet responded (figure 8A). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add the first preview persists until the new event is opened to Wagner and Hirayama. One would have been motivated to add the first preview persists until the new event is opened to Wagner and Hirayama because the movie invite obviously requires a response and if the movie invite is removed, then the user could forget to issue a response, therefore, it would have been obvious to maintain the display of the movie invite event until the user responds.

Claim 45: Wagner and Hirayama disclose the method of claim 21 and Wagner further discloses the subsequent event is in respect of a second of the applications different from the one of the applications (paragraphs 0059, figure 8A, [the system detects a preference for the kind of news for a user and displays a headline preview in relation to

the news icon.], 0065-0067, [the user reads the news and the system detects that the user likes to read hockey reports and adds a hockey icon is added to the display. Hockey updates are displayed in relation to the hockey icon.])

Claim 46: Wagner and Hirayama disclose the method of claim 27 and Wagner further discloses there is a delay before displaying the first preview in response to the user action (paragraphs 0059, 0065-0067, [the system must detect a preference my monitoring usage patterns. Displaying a preview of a news item would not happen immediately and detecting the preference would occur over a period of time.]), but Wagner does not disclose selection of the respective application icon, as disclosed in the claims. However, in the same field of invention, Hirayama discloses selection of the respective application icon (paragraph 0114). Therefore, considering the teachings of Wagoner and Hirayama, it would have been obvious to one having ordinary skill in the art at the time of the invention to add selection of the respective application icon, as disclosed in Hirayama, to the teachings of Wagoner and Hirayama. One would have been motivated to add selection of the respective application icon, as disclosed in Hirayama, to the teachings of Wagoner and Hirayama in order to provide quick access to desired information (Hirayama: paragraph 0009).

Claim 47: Claim 47 discloses the GUI for carrying out the method of claim 42 and is reject under that same rational.

Claim 48: Claim 48 discloses the GUI for carrying out the method of claim 43 and is reject under that same rational.

Claim 49: Claim 49 discloses the GUI for carrying out the steps of the method of claim 44 and is reject under that same rational.

Claim 50: Claim 50 discloses the GUI for carrying out the method of claim 45 and is reject under that same rational.

Claim 51: Claim 51 discloses a method step similar to the method of claim 46 and is reject under that same rational.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN HEFFINGTON whose telephone number is (571)270-1696. The examiner can normally be reached on 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SARA ENGLAND/  
Primary Examiner, Art Unit 2179

JMH  
3/27/10